NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
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From: Department of Toxic Substances Control
Northern California - Central Cleanup Operations
1515 Tollhouse Road
Clovis, CA 93611

Project Title: Osage Inc. 60th Street West Removal Action Workplan

Project Location – Specific: 900 65th Street West, Rosamond

Project Location – City: Unincorporated **Project Location – County:** Kern

Description of Project:

The Department of Toxic Substances Control (DTSC) has approved a draft Removal Action Workplan (RAW) for the Osage Inc. 60th Street West Site located in Rosamond, Kern County, California. The RAW was prepared in accordance with the National Oil and Hazardous Substances Contingency Plan (NCP), the California Hazardous Substances Account Act and guidance applicable to removal actions produced by the U.S. Environmental Protection Agency (U.S. EPA) and DTSC. The RAW summarizes the findings of site investigation activities, identifies Chemicals of Concern (COCs), assesses risk for the purposes of determining the need for remedial action and identifying appropriate cleanup goals, and defines the extent of environmental media which must be managed in order to protect human health and the environment. The RAW then evaluates removal action alternatives and selects the alternative that best meets the criteria of effectiveness, implementability and costs as required under applicable law, regulation and guidance as described above.

The alternative selected for implementation at the Site consists of the excavation and off-site disposal of contaminated soil and use of administrative controls (deed restriction) in a manner that will allow for future industrial/commercial use of the Site, but not sensitive uses such as residences, schools or hospitals. The off-site disposal will involve approximately 220 cubic yards of soil, ash, slag, and empty containers. The contaminated soil, ash, slag and empty containers will be placed into DOT approved containers, and transported to a Class 1 Hazardous Treatment, Storage, and Disposal Facility for final disposal.

The risk assessment in the DTSC approved Remedial Investigation and Feasibility Study determined the COCs identified in the RAW as follows: arsenic, cadmium, lead, dioxin and furans. The maximum concentrations identified for the COCs in the RIFS are 162 mg/kg (part per million) for arsenic, 5,090 mg/kg for cadmium, 78,000 mg/kg for lead and 33,944 pg/g (parts per trillion) TEF for dioxins and furans. Cadmium, Arsenic, and Dioxins Furans are included as COCs because they are significant contributors to both cancer risk and the hazard index for the site. Lead is identified as a COC due to its wide spread presence across the Site at levels above those that pose risks to both adult workers and fetuses carried by adult female workers.

The risk assessment determined site specific remediation goals for residential and industrial uses. In addition, DTSC used human exposure assumptions employed by Region IX U.S. EPA the Preliminary Remediation Goals. DTSC has determined that site will be remediated to industrial/commercial cleanup levels.

1. For lead, the RAW identifies the U.S. EPA, Region IX Preliminary Remediation Goal (PRG) of 800 milligrams per kilogram (mg/kg) as an appropriately conservative final cleanup level for the Site. This number is based upon a model designed to be protective of fetuses carried by female workers under exposure assumptions that are appropriate for the Site. It is substantially lower than the cleanup number generated in the risk assessment using DTSC's Leadspread model for occupation exposures that addresses protection of the worker (3,475 mg/kg) rather than the fetus.

2. For cadmium, the RAW identifies the Preliminary Remediation Goal of 148.6 milligrams per kilogram (mg/kg) as an appropriately conservative final cleanup level for the Site. This number is based upon a model designed to be protective for both the onsite occupational worker and the on-site construction worker.

3. DTSC has extensively studied the presence of arsenic in background soils in the vicinity of the Site. Based on this work, it was determined that other than the ash piles, soils in the immediate vicinity of the ash piles, and

within an ore pile, arsenic is generally found at concentrations that are consistent with background concentrations. Background concentrations in the vicinity of the Site were found to range between non-detect (less than 5 mg/kg) and approximately 10 mg/kg. For arsenic, DTSC identifies the Preliminary Cleanup Goal of 38 mg/kg as an appropriate cleanup goal that is protective of a site worker. Based upon evaluation of Site data it has been determined that the elevated concentrations of Arsenic are coincidental to the presences of the elevated lead. Remediation of Site soils to attain the cleanup level for lead (800 mg/kg) will also result in the reduction of the site-wide arsenic concentration to below this cleanup goal and well within the range of background arsenic concentrations.

4. DTSC has extensively studied the presence of dioxins and furans in the site soils. Based on this work it was determined that the dioxins are present within the ash piles and in the soils in the immediate adjacent area downwind direction of the ash pile. For dioxin and furans DTSC identifies the Preliminary Remediation Goal of 325 picograms per gram (parts per trillion) as an appropriate conservative final cleanup level for the Site that is protective for site workers. Based on the evaluation of the Site data it is also been determined that the elevated concentrations of dioxin and furans are coincidental to the elevated lead concentration present within the ash piles and soil and that remediation of the site soils to attain the cleanup level for lead will result in the reduction of the site concentration of dioxin to below 30 pg/g.

5. The RIFS has determined that the vertical extent of the COCs within the soils of the affected areas is relatively shallow. Generally this vertical extent ranges from the soil surface to a depth of approximately six inches below the soil surface with a maximum of 12 inches in one area. This boundary between the contaminated soil and clean soil is identified by the color change of dark stained soil containing oil residue and ash particles to light unstained soil containing no oil residue or ash particles. Removal of the contaminated soil will attain final concentration of the COCs to well below the Preliminary Cleanup Goals.

Confirmation soil samples will be obtained to monitor attainment of cleanup levels. Confirmation soil sample results will be evaluated statistically to make sure that the 95% upper confidence level of the mean for soil remaining on-site meets the 800 mg/kg industrial cleanup level for lead, the 148 mg/kg cleanup level for cadmium, 38 mg/kg kg cleanup level for arsenic and 325 pg/g for dioxins.

As an administrative measure to control exposure to individuals at the site, DTSC will require the owners of the properties to record a Deed Restriction limiting the use of the site to industrial/commercial use. As the affected substances are to be removed offsite, no maintenance activity beyond the site use restriction is expected upon completion of the removal activities.

Project History:

The former owner of the site operated a metal recovery business at the site from 1972 to 1989. The site is comprised of three industrial zoned parcels approximately 80 acres in total size. The land adjacent to the site is zoned industrial. The nearest residence is approximately ½ mile from the site. The industrial operations at the site included: (1) on-site storage, milling and smelting of ore containing base and precious metals; (2) recovery of scrap metals from various sources; (3) recovery of silver from electronic scrap; (4) the use of hazardous substances to process metals; and (5) the operations of four surface impoundments to manage wastewater generated on-site.

In 1988, DTSC conducted an inspection of the site and issued a directive to the owner to identify and inventory various unidentified waste streams discovered by DTSC. In February 1989, DTSC issued a Report of Violation to the owner for violations of hazardous waste regulations. DTSC conducted a subsequent inspection of the site and identified the unauthorized management of hazardous substances and waste. Additionally, in April 1989, the U. S. Bureau of Land Management (BLM) issued a cease and desist order to owner for nonconforming operations on BLM lands. In April 1989, the Lahontan Regional Water Quality Control Board (Board) required the site owner to submit a Hydrogeological Assessment Report (HAR) and a Closure Plan for the surface impoundments by September 1991.

In June 1990, the owner's contractor conducted a site investigation that included eight surface soil samples and one groundwater sample. Barium, chromium, copper, lead, nickel, silver, zinc, cyanide, and PCBs were detected in the soils samples at greater than three time the background. Cyanide was detected at 12.6 ug/l (part per billion) which was below the Maximum Contaminant Level (MCL) of 700 ug/l for cyanide. No metals were detected above their respective MCL. No volatile organic compounds were detected. Also in 1990, the owner excavated the surface impoundments, and the nitric acid pit, and the material reportedly was transported off site. Based on confirmation sampling results submitted, the Regional Water Quality Control Board accepted a proposal for a clean closure determination for the surface impoundments and the nitric acid pits. In 1991, the owner submitted the HAR and final closure and grading plans.

In 2002, DTSC identified the site as a potential hazardous waste site through its site screening process. A drive-by inspection identified the presence of containers on site containing unknown materials, plating waste and potential asbestos containing material. In July of 2003, DTSC conducted an emergency removal action on the unfenced portion of the site which contained these containers and substances. DTSC removed several tons these materials which disposed of at Hazardous waste landfill.

In 2003, DTSC issued an Imminent and Substantial Endangerment and Remedial Action Order (Order) to the current owners of the site. DTSC subsequently issued a Determination of noncompliance with Order to the current owners and initiated a state funded Remedial Investigation (RI) and Feasibility Study (FS). During the course of the RI in August 2004 an expedited removal action was conducted in the southern unfenced portion of the site. The removal action involved the excavation and off site disposal of two ash piles and breeched metal containers containing hazardous levels of arsenic, cadmium, copper, lead and dioxin furans. The removal action also addressed the maximum concentrations of the aforementioned COCs.

In November 2005, DTSC completed the RIFS for site. The RI determined that hazardous substances, arsenic, cadmium, lead, dioxin and furans were present in the site surface soil and in baghouse ash contained in the drums onsite. The RI also determined that groundwater at the site contained trace concentrations of lead at 0.0103 ug/l which is below the MCL for lead of 0.015 ug/l. The risk assessment within the RI addressed proposed cleanup levels for the site. The FS addressed remedial cleanup alternatives for the site. The FS identified that industrial/commercial use cleanup goals were acceptable goals given the present and probable future use of the site. The FS further identified a remedial alternative consisting of land use controls (deed restriction of site usage to industrial/commercial) with excavation and off-site disposal of areas containing hazardous levels of arsenic, cadmium, lead, dioxin and furans as appropriate cleanup alternative. Based on the results of current laboratory analyses and with historical data of the groundwater, no further action is determined to be necessary for the groundwater.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exempt Status: *(check one)*

☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(A));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐ Categorical Exemption. State type and section number:
☐ Statutory Exemptions. State code number:
☒ General Rule (Sec. 15061(b)(3))

Exemption Title: With Certainty, no possibility of a Significant Environmental Effect

Reasons Why Project is Exempt:
Although the Site is on the Hazardous Waste and Substances Sites List compiled pursuant to Government Code section 65262.5 dated January 1990, DTSC has determined that there is no possibility of a significant environmental effect from the project as described above because:

1. The project will serve to restore the Site and to reduce the environmental and human health risk impact caused by the Site conditions by the removal and off-site disposal of contaminated soil. This will serve to eliminate unacceptable exposures to contaminated soil, eliminate the potential for contaminants to impact groundwater, and will effectively remove the potential for off-Site contaminant migration. The project is in a developed commercial, industrially-zoned area and will not affect any known sensitive biological habitat or cultural resource area.

2. A Rarefind report for the Rosamond and Rosamond Lake quadrants dated December 12, 2005 did not identify the presence of sensitive species at the Site and the surrounding vicinity. The Site is not located in an area of sensitive ecological receptors, or cultural resources based on a review of maps, databases, and a screening field survey.

3. A cultural records search through the Southern San Joaquin Valley Archaeological Information Center (SSJVAIC) was conducted to identify recorded cultural resources within a one-half and one mile radius of the site. The search involved researching for sites within the Rosamond, Little Butte, Willow Springs and Soledad Mountain 7.5 Minute Quadrangles. The SSJVAIC files include known and recorded archaeological and historic sites, inventory and excavation reports filed with the SSJVAIC, and properties listed on the National Register of Historic Places,

The Historic Property Data File, the California Register, the California Historical Landmarks, the California Inventory of Historic Resources, and the California Points of Historical Interest for Kern County. The results of the search identified 11 recorded resources within a one-half mile radius and eight within a one mile radius. There are no recorded cultural resources within the site. Based on the results of the search the project will not impact the sites identified in the search and it is highly unlikely that any of these resources would extend onto the project site. However, if resources are found, work will stop immediately and the site will be evaluated by an archeologist.

4. DTSC's requirements for the removal action include that the contractor be a qualified California Class A Hazardous Waste Contractor. The Contractor will be responsible for and be prepared to take appropriate action in areas of health and safety, personnel protective equipment, dust control measures, Site security, and other activities associated with the handling, storing, transporting, and on-site management of a hazardous substance. Excavated material will be placed into Department of Transportation approved containers, (i.e. 20 cubic yard end dump trucks or 15 cubic yard roll off bins) transported to an approved Hazardous Waste facility for disposal to Class 1 hazardous waste landfill. There will be a decontamination area for cleaning of all equipment to prevent track out of the contaminated media. All of the washout material will be drummed and manifested off-site according to its waste profile.

5. The Contractor will be required to submit a site specific Health and Safety Plan (HASP) that meets the requirements of Title 8 California Code of Regulations, Section 5192. The HASP will contain a communication plan for responding to emergencies, and standard operating procedures for conducting project activities, including confined space entry, shoring of excavations and/or provision of exit ramps as required by Title 8. All personnel conducting work at the Site will have the appropriate 40 hours Occupational Health and Safety training for hazardous waste workers. The HASP shall address workers breathing zone air monitoring activities for dust, and volatile organic constituents as specified in the HASP and the appropriate level of personal protective equipment for all personnel at the Site during the project. Prior to commencement of the project, the HASP will be reviewed and approved by DTSC's contractor.

6. DTSC will require the establishment of institutional controls at the Site. DTSC will require the current property owner to file a deed restriction limiting future use of the property. DTSC will petition the Court for a unilaterally imposed deed restriction should the owner decline to cooperate on this issue. The deed restriction will restrict the establishment of: residential dwellings; hospitals for humans; public or private schools for persons under 21 years of age; day care centers for children; and any permanent occupied human habitation other than those used for industrial or commercial purposes that are not specifically excluded above.

7. Confirmation soil sampling will be conducted. Soil samples will be collected and submitted to a laboratory for analysis prior to backfilling areas of excavations. This will ensure the attainment of cleanup criteria for the Site.

8. Baseline air monitoring will be conducted the week prior to the start of construction activities. Dust control measures will be implemented during excavation activities to ensure the protection of on-site workers and eliminate any potential off-site impacts. To protect off-Site individuals, perimeter air monitoring will be conducted at the Site during construction to ensure the adequacy of dust control measures and trigger corrective actions as necessary.

9. A permit from the Eastern Kern County Air Pollution Control District (EKCAPCD) is not required for the removal activities. EKCAPD has suggested control measures that may be used to minimize fugitive dust caused by removal action. To minimize fugitive dust the loads will be adequately wetted during excavation and loading. All loads will be placed into sealable containers or will be covered. Excavation will not be conducted during windy periods with wind speeds greater than 20 mph. Materials which will not be removed immediately will be placed in sealed containers thereby providing additional dust control measures.

10. All excavation and loading activities will occur on-site between the hours of 8:00 am and 5:00 pm. Trucks transporting waste from the site will take the most direct route to the TSDF and will take consideration to avoid sensitive receptors, schools and traffic congestion.

11. Groundwater at the Site was measured at 35 feet below ground surface in the on-site domestic well. Characterization of the site soils indicates that heavy metal contaminants are not present below the depth of one foot below the ground surface in areas where heavy metal contaminants are present. The on-site well is not operable as electricity is currently not supplied to the site. A temporary pump had been installed by the property owner to draw water from the well at a much reduced volume. Water sample taken from the on-site well has shown a trace concentration of lead at 0.0103 ug/l, which is below the maximum contaminant level (MCL) of 0.015 ug/l for drinking water. Historical data from the well has shown that concentrations for the chemicals of concern have been below the MCL or nondetect. No further action is required for the groundwater.

12. The remediation contractor will identify and confirm the location of underground utilities prior to the start of work.

13. DTSC has conducted, or overseen at least a half dozen projects involving the on-Site consolidation and/or capping of metal and dioxin contaminated soils in the Rosamond and nearby Mojave areas over the past 15 -18 years. Each of these projects has resulted in the betterment of the environment without creating any adverse impacts either individually or cumulatively. DTSC has not observed any significant environmental effect resulting from the implementation of any of these projects.

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